

**Notice of Allowability**

Application No.

10/070,677

Examiner

John M. Winter

Applicant(s)

WOOD ET AL.

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on May 3, 2007.
2. ☒ The allowed claim(s) is/are 4-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/14/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Corrigan on June 5, 2007.

The application has been amended as follows

Claim 1 (Canceled)

Claim 2 (Canceled)

Claim 3 (Canceled)

Claim 4

A process for arranging the lease of capacity on one or more smartcards for utilization by an application provider, for use in an environment including a plurality of smartcards and terminals, a plurality of host systems each adapted to interact with some or all of the smartcards and terminals, said smartcards and terminals including a multiple application operating system, and a system including at least card software located on said smartcards, terminal software located on said terminals, control software located on one or more remotely located processing devices, and a database in communication with at least said remotely located processing devices, said database including details of which applications are permitted to be loaded onto which

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smartcards or terminals, said process including the steps of:

- (a) the application provider requesting a search, using a set of user defined criteria, of said database ~~that in order to~~ locates terminals or smartcards ~~on which~~ available to the application provider ~~desires~~ to load an application;
- (b) the control software conducting a search and returning a report to the application provider;
- (c) the application provider confirming renting of space ~~desire~~ to the control software ~~to rent space~~;
- (d) the control software requesting approval from the one or more smartcard or terminal owners for the application provider to rent space;
- (e) the smartcard or terminal owner sending an approval to the control software; and
- (f) the control software sending a confirmation that the lease has been approved to the application provider.

#### Claim 6

A process for arranging the lease of capacity on one or more smartcards for utilization by application provider, for use in an environment including a plurality of smartcards and terminals, a plurality of host systems each adapted to interact with some or all of the smartcards and terminals, said smartcards and terminals including a multiple application operating system, and a system including at least card software located on said smartcards, terminal software located on said terminals, control software located on one or more remotely located processing devices, and a database in communication with at least said remotely located processing devices, said

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database including details of which applications are permitted to be loaded onto which smartcards or terminals, said processing further including the steps of:

a) the application provider requesting a search of said database, using a set of user defined criteria, that ~~in order to~~ locates terminals or smartcards on which the application provider is able ~~may wish~~ to load an application;

b) the application provider receiving a report based on a search conducted by the control software;

c) the application provider confirming renting of space ~~desire~~ to the control software ~~to rent space~~; and

d) the application provider receiving confirmation from the control software that the lease has been approved by the smartcard or terminal owner.

#### Claim 8

A process for arranging the lease of capacity on one or more smartcards for utilization by an application provider, for use in an environment including a plurality of smartcards and terminals, a plurality of host systems each adapted to interact with some or all of the smartcards and terminals, said smartcards and terminals including a multiple application operating system and a system including at least card software located on said smartcards, terminal software located on said terminals, control software located on one or more remotely located processing devices, and a database in communication with at least said remotely located processing devices, said database including details of which applications are permitted to be loaded onto which smartcards or terminals, said processing further including the steps of:

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- a) the control software receiving a request from the application provider to conduct a search of the database, using a set of user defined criteria in order to locate terminals or smartcards ~~on which~~ available to the application provider ~~desires~~ to load an application;
  - b) the control software conducting a search and transmitting a report based on the results of the search to the application provider;
  - c) the control software receiving a confirmation of the renting of space from the application provider ~~confirming desire to rent space~~;
  - d) the control software requesting approval from the one or more smartcard or terminals owners for the application provider to rent space;
  - e) the control software receiving an approval from the smartcard or terminal owners;
- and
- f) the control software sending a confirmation to the application provider that the lease has been approved.

10-25 (Canceled)

*Allowable Subject Matter*

Claims 4-9 are allowed over the prior art record.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record DiGiorgio (US Patent 6,877,094). teaches an Architecture that enable different types of security devices to operate interchangeably in very large network environments for authentication and metered access to services.

Akiyama (EP 1 041 767 A2) teaches a system for authenticating data send to a certified system.  
[http://www.cgap.org/portal/binary/com.epicentric.contentmanagement.servlet.ContentDeliveryServlet/Documents/IT\\_smart\\_card.pdf](http://www.cgap.org/portal/binary/com.epicentric.contentmanagement.servlet.ContentDeliveryServlet/Documents/IT_smart_card.pdf) a system for using smart cards for financial services.

What they fail to teach or suggest:

As per claim 4,

none of the art of record, taken individually or combination disclose at least the steps/components of "the application provider requesting a search, using a set of user defined criteria, of said database that locates terminals or smartcards available to the application provider to load an application; the control software conducting a search and returning a report to the application provider; the application provider confirming renting of space to the control software; the control software requesting approval from the one or more smartcard or terminal owners for the application provider to rent space;"

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As per claim 6,

none of the art of record, taken individually or combination disclose at least the steps/components of “the application provider requesting a search of said database, using a set of user defined criteria, that locates terminals or smartcards on which the application provider is able to load an application; the application provider receiving a report based on a search conducted by the control software; the application provider confirming renting of space to the control software; and the application provider receiving confirmation from the control software that the lease has been approved by the smartcard or terminal owner.”

As per claim 8,

none of the art of record, taken individually or combination disclose at least the steps/components of “the control software receiving a request from the application provider to conduct a search of the database, using a set of user defined criteria in order to locate terminals or smartcards available to the application provider to load an application; the control software conducting a search and transmitting a report based on the results of the search to the application provider; the control software receiving a confirmation of the renting of space from the application provider; the control software requesting approval from the one or more smartcard or terminals owners for the application provider to rent space;”

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Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of “the application provider confirming renting of space to the control software; the control software requesting approval from the one or more smartcard or terminal owners for the application provider to rent space” is not normally associated with smart card or terminal systems and therefore would have to be disclosed by art unrelated to smart card or terminal systems .

These distinct features render claim 4,6 and 8 allowable.

Claims 5,7, and 9 are dependant upon claims 4,6 and 8 and are therefore allowable for at least the same reasons.

### ***Conclusion***

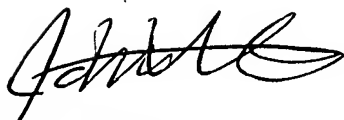
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter

Patent Examiner -- 3621



ANDREW J. FISCHER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600